

Schreiber, Lizett M.

From: Mark O'Brien <msobrien9@icloud.com>
Sent: Monday, August 14, 2023 3:57 PM
To: Thomas, David H.
Cc: Schreiber, Lizett M.
Subject: Fwd: US v. Getachew - Plea Offer

Regards,
Mark S. O'Brien, Attorney At Law
Cedar-Grandview Building
12434 Cedar Road, Suite 11
Cleveland Heights, Ohio 44106
Telephone: (216) 331-7400
E-mail: msobrien9@icloud.com

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Begin forwarded message:

From: Samuel Getachew <sgetachewped@gmail.com>
Subject: Re: US v. Getachew - Plea Offer
Date: April 24, 2023 at 9:59:02 AM EDT
To: Eskender Getachew <egetachew2006@yahoo.com>
Cc: Mark O'Brien <msobrien9@icloud.com>, "Lemma M Gteachew, [R.Ph](#)" <rxlemma@aol.com>

Thursday at 4 or Friday afternoon is good for me thanks

Sent from my iPhone

On Apr 24, 2023, at 9:44 AM, Eskender Getachew <egetachew2006@yahoo.com> wrote:

I agree with Lemma . Let us have a conference call Thursday or Friday. will evaluate all options together. Even the agent case is very weak and can be defended well. The burden for the prosecutor is huge and difficult even for the agent case. My case could not be worst than Dr.Husel case. Plead guilty, has a lot of other consequences except the limited benefit of avoiding trial and less

sentencing. Everyone will follow and makes my life very difficult for things I did not do.

Thanks
Eskender

<DrGsignature.png>

On Monday, April 24, 2023 at 06:57:18 AM EDT, Lemma M Gteachew, [R.Ph](#)
<rxlemma@aol.com> wrote:

Mark

lets have conference call -i will organize it may be Thursday or Friday

lemma

On Monday, April 24, 2023 at 06:42:09 AM EDT, Mark O'Brien <msobrien9@icloud.com> wrote:

Eskender:

See below. I think the government knows that its case against you is weak. This is a far better offer than the one they made last year. It is now offering you a plea deal whereby it would dismiss all other charges against you if were to enter a plea of guilty relative to 1 count of distribution of Suboxone to the undercover agent known as Deborah Moore. The anticipated sentence would be 0-6 months in prison (and you would probably receive probation - no prison time), according to the Department of Justice's supervising attorney, although the judge can sentence you to whatever punishment he feels is appropriate under federal sentencing guidelines regardless of what the supervising attorney states or recommends. Once you plead guilty, the sentence is in the hands of the judge. He could sentence you to 10 years in prison. He does not have to accept the government's recommended sentence. I cannot make this decision for you. It is your life, and thus, your decision. If you do not accept this deal, and if we do not prevail at trial, you could receive a sentence that would essentially place you in prison for the remainder of your life (10 years per count = 150 years, if you are convicted on all counts). Going to trial is a risky proposition. I do not have a crystal ball, and I cannot promise you that we would prevail at trial. As previously stated, I am cautiously optimistic about our case, but that does not mean that I can guarantee that you will not be convicted of any counts in the indictment. Also, a guilty plea would likely affect the matter pending before the state medical board, so there is that to consider. I would like to have a meeting with you and your family to discuss this offer. I love a jury trial, especially a criminal jury trial, but I cannot recommend that you go to trial just because I enjoy doing it. Your freedom is at stake. We have until May 5 to respond or they will withdraw the offer. Can we meet with your family later this week? Let me know.

Regards,
Mark S. O'Brien, Esq.
Heights Rockefeller Building
3091 Mayfield Road, Suite 320
Cleveland Heights, Ohio 44118
Telephone: (216) 331-0462

E-mail: msobrien9@icloud.com

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Begin forwarded message:

From: "Gregorian, Alexis (CRM)" <Alexis.Gregorian@usdoj.gov>
Subject: US v. Getachew - Plea Offer
Date: April 21, 2023 at 1:52:21 PM EDT
To: Mark O'Brien <msobrien9@icloud.com>
Cc: "Jason, Christopher (CRM)" <Christopher.Jason@usdoj.gov>

Mark,

As discussed, to facilitate discussions with your client regarding any potential resolution in advance of trial, we now have approval to provide Dr. Getachew a plea offer with the following terms:

Plead guilty to Count 1 of the Indictment (unlawful distribution to "Deborah Moore") and agree to the following guidelines:

Description	Citation	Anticipated Guideline
Base Offense Level*	§ 2D1.1(c)	6
Abuse of Position of Trust	§ 3B1.3	+2
Acceptance of responsibility	§ 3E1.1(a)	-2
Total Anticipated Offense Level		6
Anticipated Sentencing Range (based on CHC I)		0 – 6 mos.

*The drug weight is based on the 88 units of buprenorphine/naloxone distributed to "Deborah Moore."

In return, the Government will dismiss the remaining counts of the Indictment. We also will recommend the low end of whatever guideline range is ultimately calculated by the Court, which, under the above-referenced scenario, would be a probationary sentence (assuming a Category I criminal history category).

This plea offer will expire on Friday, May 5, 2023, if not accepted. If Dr. Getachew wishes to accept the Government's plea offer, please let us know by May 5th so that we may forward an approved plea agreement to your attention.

Please let us know if you would like to discuss.

Thank you,

Alexis Gregorian

Assistant Chief

U.S. Department of Justice

Criminal Division, Fraud Section

(202) 768-1172 (mobile)

<DrGsignature.png>